

Resolution No.: 16-218
 Introduced: June 12, 2007
 Adopted: June 26, 2007

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

SUBJECT: Optional Procedure for Condemnation of Land, Advanced Taking
 CIP Project No. 500310 Citadel Avenue Extended
 In accordance with Article III, Section 40A, Maryland Constitution and Montgomery
 County Code (2004), as amended, §49-50

Background

- I. The Council has been requested to authorize the condemnation of the portion of land necessary for extension of Citadel Avenue in Rockville in accordance with Montgomery County Code 2004, as amended, §49-50.
 - 1. The Citadel Avenue Extended Project will extend existing Citadel Avenue from its dead end south of Marinelli Road to Nicholson Lane, a distance of approximately 650 feet. The road will align with Huff Court and eventually be a section of Chapman Avenue according to the master plan. This road will be a two-lane business street consisting of a 40-foot wide roadway within a 70-foot right-of-way. Included within the design are a sidewalk along the west side of the street, street lighting, improved storm drainage and parking.
 - 2. Construction of this project was authorized by Executive Order No. 140-03, dated August 15, 2003
 - 3. All properties need to be acquired or placed into quick take in a timely manner in order to meet the obligations of our construction contract.
 - 4. The project involves four properties, two are governmental agencies that are cooperating with us, and two are privately owned, one of which is currently in the process of dedicating the necessary right of way and easements to the County. 'Despite continuing efforts from April, 2005 to the present, the County has been unable to conclude negotiations with the property owners listed below.

RIGHT OF WAY IN SQUARE FEET

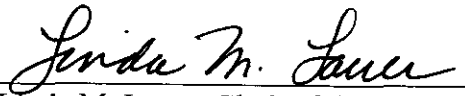
<u>ACCOUNT</u> <u>No.</u>	<u>LIBER</u> <u>FOLIO</u>	<u>PROPERTY</u> <u>OWNERS</u>	<u>FEE</u> <u>SIMPLE</u>	<u>PERPETUAL</u> <u>EASEMENT</u>	<u>REVERTIBLE</u> <u>EASEMENT</u>
1809714	14063/420	Ralph H. Brown, et al., Trustees	236	4,056	480

5. There is an immediate need to acquire a portion of the property for the right-of-way for the construction of Citadel Avenue.

Action

- I. The County Council approves the Resolution authorizing the condemnation of land, using the optional procedure Advanced Taking, for the above-referenced property needed for the construction of Citadel Avenue Extended in accordance with the Montgomery County Code, (2004) as amended, §49-50, effective upon the following conditions:
 1. Montgomery County guarantees the payment of the condemnation award as may be subsequently awarded by a jury.
 2. Walter A. Reiter, Jr., a Maryland Certified General Appraiser, is hereby appointed to appraise the fair market value of the property.
- II. Montgomery County may take immediate possession of the property described above, upon payment into Court of the fair market value of the property as determined by the appraiser named above. The County reserves the right to abandon this proceeding at any time prior to such payment into Court.
- III. The County Attorney is hereby directed to take all necessary steps to acquire the property.

This is a correct copy of Council action.


Linda M. Lauer, Clerk of the Council